REMARKS

The above amendments and these remarks are responsive to the Office Action issued on February 13, 2004. By this Amendment, claims 1 and 7 are amended, as well as the title of the invention. Adequate descriptive support for the present Amendment should be apparent throughout the originally filed disclosure as, for example, the depicted embodiments and related discussion thereof in the written description of the specification. Applicants submit that the present Amendment does not generate any new matter issue. Entry of the present Amendment is respectfully solicited. It is believed that this response places this case in condition for allowance. Hence, prompt favorable reconsideration of this case is solicited.

The courtesy of the Examiner in conducting a telephone interview on May 4, 2004 with Wei-Chen Chen is greatly appreciated. The rejection under 35 U.S.C. § 102(b), amendments to independent claim 1 and dependent claim 7, and the applied prior art reference (Ugawa) were discussed during the interview on May 4, 2004. Prior to the telephone interview, Applicants representative (We-Chen Chen) submitted proposed claim amendments to claims 1 and 7 on April 20, 2004. These proposed claim amendments were discussed during the telephone interview on May 4, 2004. As acknowledged in the Examiner's Interview Summary dated June 3, 2004, the present amendment to independent claim 1 would overcome the rejection of claims 1-6 under 35 U.S.C. §102(b) as being anticipated by Ugawa (U.S. Patent No. 5,836,819). The Examiner asserted that the proposed amendment would require a further search and/or consideration, and since the present application is under final rejection, the proposed amendment would only be entered upon filing of a Request for Continued Examination (RCE). Applicants submit that the above statement accurately memorializes the telephone interview of May 4, 2004.

By way of the present Amendment, the title of the invention has been amended. Accordingly, Applicants respectfully submit that the title of the invention is descriptive and clearly indicative of the invention. The Examiner is, therefore, requested to reconsider and withdraw the objection to the title.

The Office Action dated February 13, 2004 rejected claims 1-6 under 35 U.S.C. §102(b) as being anticipated by Ugawa (U.S. Patent No. 5,836,819) and dependent claim 7 under 35 U.S.C. §103(a) as unpatentable over Ugawa (U.S. Patent No. 5,836,819). Applicants respectfully traverse each rejection for the reasons discussed *infra*.

The factual determination of lack of novelty under 35 U.S.C. § 102 requires the identical disclosure in a single reference of each element of a claimed invention, such that the identically claimed invention is placed into the possession of one having ordinary skill in the art. *Helifix Ltd. v. Blok-Lok, Ltd.*, 208 F.3d 1339, 54 USPQ2d 1299 (Fed. Cir. 2000); *Electro Medical Systems S.A. v. Cooper Life Sciences, Inc.*, 34 F.3d 1048, 32 USPQ2d 1017 (Fed. Cir. 1994). Moreover, in imposing the rejection under 35 U.S.C. § 102, the Examiner is required to specifically identify wherein an applied reference is perceived to identically disclose each feature of a claimed invention. *In re Rijckaert*, 9 F.3d 1531, 28 USPQ2d 1955 (Fed. Cir. 1993); *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481 (Fed. Cir. 1984). That burden has not been discharged. Moreover, there are significant differences between the claimed invention and the machine disclosed by Ugawa that would preclude the factual determination that Ugawa identically describes the claimed inventions within the meaning of 35 U.S.C. § 102.

Independent claim 1, as amended describes a game machine provided with a casing and a play field having a winning region into which a play medium can enter to achieve a win. The

game machine comprises: a storage means for storing the number of available play media for shooting into said play field; a start detection means for detecting an input from a user to start shooting the play media into the play field; a shooting control means for initiating shooting the play media into the play field in response to the start detection means detecting the input from the user to start shooting the play media, and controlling to stop shooting the play media in response to all the available play media having been shot; and stop detection means for detecting an input from the user to temporarily stop shooting the play media. The shooting control means controls to pause shooting the play media in response to the stop detection means detecting the input from the user to temporarily stop shooting the play media before all the available play media are shot.

Ugawa discloses an image-based Pachinko that displays a play field and balls. The disclosed device, however, does not include a stop or pause button to allow a user to indicate his/her intention to stop shooting balls. The Examiner maintained the rejection of record and further argued that a player designates a stop shooting control means by virtue of the amount bet with associated available balls. Once these balls are shot, Ugawa's machine stops shooting play media. See enumerated paragraph 11 of the Office Action. It appears that the Examiner is of the opinion that a user's bet in Ugawa inherently orders Ugawa's system to stop shooting balls. Applicants respectfully traverse.

In Ugawa's system, a user's bet is an input to **activate** shooting of the balls. It is not the bet input that terminates the shooting of balls, but rather, the "expiration" or "exhaustion" of that command that stops the shooting. Thus, the user's bet input in Ugawa is not an input to stop shooting the play media. Claim 1 has been amended to clarify that the shooting control means pauses shooting of the play media in response to detection of an input from the user to

temporarily stop shooting the play media. Accordingly, for the reasons outlined above, Applicants respectfully submit that Ugawa fails to identically disclose each feature of the claimed invention and, therefore, the rejection of claims 1-6 under 35 U.S.C. § 102(b) should be withdrawn. *In re Rijckaert, supra.*

Claim 7 depends from independent claim 1. Applicants incorporate herein the arguments previously advanced and traversed in the imposed rejection of claims 1-6 under 35 U.S.C. § 102(b) predicated upon Ugawa. Therefore, claim 7 is patentable over Ugawa based on its dependency of claim 1. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 103 (a) is requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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